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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,128	07/05/2000	Bruce Kerievsky	1467.006	4622

7590 06/16/2005  
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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT PAPER NUMBER

3629

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/610,128

Applicant(s)

KERIEVSKY, BRUCE

Examiner

Jonathan Ouellette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 37 and 39-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37, and 39-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Claims 1-36, 38 have formally been cancelled; therefore, Claims 37, and 39-59 are currently pending in application 09/610,128.

### *Claim Rejections - 35 USC § 101*

2. The rejection of Claims 37-59 under 35 U.S.C. 101 Double Patenting is withdrawn due to applicant's arguments.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 37, 39, 43-45, 47-50, 54-56, and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuhaus (US 5,832,446) in view of Kolawa et al. (US 6,239,974).
5. As per independent Claims 37 and 49, Neuhaus discloses a method (apparatus) for providing a recipe to a user in audible form (C6 L15-17), such that an interactive session is established, comprising: accessing a series of instructions related to a recipe;

sequentially providing the series of instructions to the user using an output device that provides each of the instructions in an audible form for the user to hear (C2-C4); detecting an input (selection of radio button, mouse click, etc.) command from the user while the series of instructions are being provided to the user; and responding to the inputted command by providing additional instructional data to the user using the output device to provide the additional instructional data in an audible form for the user to hear, wherein an interactive cooking session is established such that a subsequent one of the instructions is not provided to the user until the user provides a particular input command requesting the subsequent instruction (C6 L10-17, Click on radio buttons to obtain recipe substeps).

6. Neuhaus fails to expressly disclose detecting and responding to a spoken utterance from the user.
7. However, Kolawa discloses issuing instructions/input to an interactive cookbook/kitchen aid through voice-enabled input (C3 L16-18; C10 L20-57, recipe instructions).
8. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included detecting and responding to a spoken utterance from the user, as disclosed by Kolawa in the system disclosed by Neuhaus, for the advantage of providing a method (apparatus) of providing data related to cooking, with the ability to increase food preparation assistance to the customer, by providing multiple communication platforms between the user and the system.
9. As per Claims 39 and 50, Neuhaus and Kolawa disclose accessing a glossary as a function of detecting an utterance, and providing additional data from the glossary.

10. As per Claims 43 and 54, Neuhaus and Kolawa fail to disclose translating at least a portion of the data relating to cooking from a first language into a second language; and providing the translated portion to the user.
11. However, Kolawa does disclose providing recipes from several cultures (C7 L15-20, C10 L20-57), and it would have been obvious to one of ordinary skill in the art to provide translated foreign recipes in order to broaden the cultural selection of available recipes.
12. As per Claims 44 and 55, Neuhaus and Kolawa fail to disclose converting a portion of the data relating to cooking from a first unit of measurement to a second unit of measurement.
13. However, Kolawa does disclose providing food preparation instructions to the user (C10 L20-57), and it would have been obvious to one of ordinary skill in the art for the system to provide measurement conversions depending on the measurement system used by the user (metric vs. U.S. customary units).
14. As per Claims 45 and 56, Neuhaus and Kolawa disclose retrieving the data relating to cooking from a remote location.
15. As per Claims 47 and 58, Neuhaus and Kolawa disclose wherein the initial data comprises data related to two or more recipes.
16. As per Claims 48 and 59, Neuhaus and Kolawa disclose modifying (updating) the additional data as a function of a second utterance.
17. **Claims 40-42 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuhaus in view of Kolawa, and further in view of Metz (Metz, Cade, "Decisions, decisions." PC Magazine, v16, n6, p162(3), March 25, 1997).**

18. As per Claims 40 and 51, Kolawa discloses the use of voice-enabled technology to operate a food preparation assistance system (voice-enabled input, C3 L16-18); however Kolawa and Neuhaus fail to disclose initiating a timer as a function of the utterance from the user; and providing an indication at an expiration of a time interval associated with the timer.
19. Metz discloses the use of a timer (five timers) integrated into a food preparation assistance system (Metz, Cade, "Decisions, decisions." PC Magazine, v16, n6, p162(3), March 25, 1997).
20. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included initiating a timer as a function of the input from the user; and providing an indication at an expiration of a time interval associated with the timer, as disclosed by Metz in the system disclosed by Kolawa, in the system disclosed by Neuhaus, for the advantage of providing a method (apparatus) for providing data related to cooking, with the ability to increase food preparation assistance to the customer, by providing multiple food preparation tools (timer, videos, etc.).
21. As per Claims 41 and 52, Neuhaus, Kolawa, and Metz disclose initiating a second time as a function of the utterance from the user; and providing a second indication at an expiration of the time interval associated with the second timer.
22. As per Claims 42 and 53, Neuhaus, Kolawa, and Metz disclose wherein the timer is associated with a particular segment of the data related to cooking.
23. **Claims 46 and 57 are rejected under 35 U.S.C. 103 as being unpatentable over Neuhaus in view of Kolawa.**

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24. As per Claims 46 and 57, Neuhaus and Kolawa do not expressly show transmitting the data related to cooking to a hand-held device.
25. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The cooking information system would be performed regardless of the where the information was transmitted. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
26. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have transmitted the cooking information to a hand-held device, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

***Response to Arguments***

27. Applicant's arguments filed 2/25/2005, with respect to Claims with respect to claims 37, and 39-59 have been considered but are moot in view of the new ground(s) of rejection.
28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

29. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

*Conclusion*

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (703) 872-9306 for all official communications.
32. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.



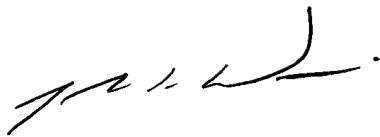
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June 2, 2005



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